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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated Liquidation of Bernard
L. Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff,

Plaintiff,

v.

ROBERT LAYTON, as an individual and as a
joint tenant, and GERDA LAYTON, as an
individual and as a joint tenant,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04967 (SMB)

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE
OF CERTAIN CLAIMS IN ADVERSARY PROCEEDING**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses Count One and Counts Three through Seven of the Complaint in the above-captioned adversary proceeding with prejudice. This Notice shall have no effect on or application to the Trustee's remaining claims in Count Two of the Complaint. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss claims in this adversary proceeding without further order of the Court by filing this Notice of Dismissal. As of the date hereof, defendants Robert Layton and Gerda Layton have not filed or served an answer or a motion for summary judgment.

Dated: New York, New York
October 12, 2017

Of Counsel:

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